

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 418 - SB 1245

February 17, 2017

SUMMARY OF BILL: Reduces the expungement fee from \$350 to \$180 and changes the allocation formula. Removes requirements of various entities to provide training or review the number of expungements.

ESTIMATED FISCAL IMPACT:

Decrease State Revenue – \$131,400/General Fund

\$13,100/Public Defenders Expunction Fund

\$500/District Attorneys Expunction Fund

Decrease Local Revenue – \$9,100/Court Clerks

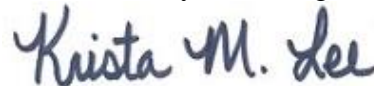
Assumptions:

- Data from the Department of Revenue shows that the General Fund collected \$134,405.19 from expungement fees in FY14-15 and \$128,318.98 in FY15-16. This indicates approximately 927 expunction petitions were filed in FY14-15 and approximately 885 were filed in FY15-16. Further, data shows \$77,266.63 was collected from July 1, 2016, through January 21, 2017 (215 days), which indicates 533 were filed during this period and would project 905 total petitions will be filed in FY16-17.
- It is assumed that approximately 906 petitions $[(927 + 885 + 905) / 3]$ are filed every year.
- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350 fee one pays for having records expunged is distributed as follows:
 - \$10.00 to the court clerk collecting the fee;
 - \$50.00 to the Tennessee Bureau of Investigation (TBI);
 - The remainder (\$290.00) is distributed:
 - 5 percent (\$14.50) to the Public Defenders Expunction Fund;
 - 45 percent (\$130.50) to the District Attorneys Expunction Fund; and
 - 50 percent (\$145.00) to the General Fund.
- The proposed legislation reduces the expungement fee to \$180 and changes the allocation formula as follows:
 - \$50 to TBI; and
 - \$130 to the District Attorneys Expunction Fund.

- The TBI is unaffected by the proposed legislation. However, the district attorneys, public defenders, court clerks, and the General Fund will be impacted.
- The General Fund will receive no monies under the proposed legislation. The General Fund will realize a recurring decrease in state revenue of \$131,370 (906 expungements x \$145.00).
- The public defenders will receive no monies under the proposed legislation. The public defenders will realize a recurring decrease in state revenue of \$13,137 (906 expungements x \$14.50).
- The district attorneys will receive \$0.50 less per expungement than they do under the current allocation formula. The district attorneys will realize a recurring decrease in state revenue of \$453 (906 expungements x \$0.50).
- Court clerks will receive no monies under the proposed legislation. Court clerks will realize a recurring decrease in local revenue of \$9,060 (906 expungements x \$10.00).
- The proposed legislation removes the public defenders' requirement to conduct annual training for each judicial district, the Department of Finance and Administration's requirement to review the number of expunction petitions during FY13-14, and the TBI's requirement to review the number of expunction petitions during FY13-14.
- Repealing these requirements will not significantly impact the operations of the public defenders, Finance and Administration, or the TBI.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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